

## COBBETT'S WEEKLY POLITICAL REGISTER.

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[257]

[258]

" This will be a bustling winter with you ; and  
" I give you joy of it with all my heart.  
" But, whether the Landlords stir, or not, I  
" shall be equally amused. I shall observe  
" their movements with a watchful eye. I  
" think I shall be tempted to go up once  
" more and look at their faces, to see what  
" an empty stare they will give each other ;  
" how amazed they will seem to be that their  
" estates have slipped through their fingers ;  
" how insipid the Waterloo Story will seem  
" to their ears ; how dull of apprehension  
" they will be on the subject of the Water-  
" loo Column ; how little they will seem to  
" care about the stripping of the Louvre  
" and the Museums. I think I see them  
" now, turning their ears from all these to-  
" pics, as a cat, which has been whipped for  
" pigeon killing, turns her head from a dead  
" pigeon, flung down before her. I will  
" certainly ride up to see them. *Letter V.*  
" to the Chancellor of the Exchequer ; dated  
" 6th December, 1815.

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TO THE

PEOPLE OF THE UNITED STATES OF AMERICA.

### LETTER III.

*The general tendency of the Taxes.—The ignorance of the Ministers.—Military Academy.—Sufferers in general not entitled to Pity.—Justice in laughing at them.—The state and treatment of Ireland.—The law, by which that unhappy people are governed.*

Peckham Lodge, March 2d, 1816.

In a Letter to our Chancellor of the Exchequer, published about three months ago, I told him, as will be seen from the motto, that he would have a very *bustling winter*. This he has found to be but too true ; for, surely, never was a man so baited since the world began. The fatigue of the thing really appears to have had an effect upon the *health* of Lord Castlereagh and the Chancellor, and also upon " brother Bragge," of whom I will give you a full and most curious account another time. At present we will take another look at the parliamentary struggle about the Income Tax.

This struggle is a novel spectacle. I do not recollect any very serious opposition ever having been made before to a tax of any sort. The opposition itself is something new ; but, the *description of persons*

who now have appeared on the stage is also new ; and this is a matter of much greater importance. I have fully explained to you before *how the seats are filled*. You will, therefore, clearly perceive, that the Ministers are not now opposed, by the greater part of their active opponents, merely because they are Ministers ; but, because they propose measures which tend to take from the landholders a great part of what remains of their estates. It is very true, that the measures for the last fifty years have had this tendency. By degrees, the small country gentry have been all swept away. The great ones have been going for some time. They have sought to prop themselves up by places and pensions, and by sending sons into the army and navy, and to Bengal. But, now, the defalcation in their rents is so serious, that they plainly see that they must make a stand, or lose their estates. Many men, therefore, who have *always*, 'til now, supported the minister for the time being in every thing, are opposing the Income Tax, that being one of the channels, through which, as they can clearly see, their estates will pass away from them.

But, they are so stout upon this *particular* point, only, I imagine, because they see the effect of this tax more clearly than the effect of any other tax. It appears to me very clearly, however, that it is the *sum total* of the taxes that ought to be kept in view, and not the details and amount of any particular tax ; for, I think, that it would be found, upon careful consideration, that, if 60 or 70 millions a year were raised wholly *in indirect taxes*, the *effect* as to the landlord and all other classes would be precisely the same. There is no direct tax at all laid upon persons in the lower orders of life ; yet we see, that the weight of taxation presses them down into the state of *pauperism* ; and, if there were *no indirect taxes*, and the 60 or 70 millions were raised upon the rich in direct taxes, the effect would be precisely the same in the end. The labourer, to suppose a case, pays, out of his 25*l.* a year, 5*l.* in tax upon his beer, salt, soap, candles, sugar, tea, leather, &c. Take off all these taxes, and lay them upon

the landlord ; the landlord lays them upon his tenant ; and the tenant deducts them from the *wages* of the labourer, who is only just where he was before. But, if you *abolish* these taxes altogether, and cease to demand them of the *whole* of the community, the labourer will still have his *25l.* a year, and will really have an *additional 5l.*; that is to say, *5l.* more than he used to have to eat, drink, and wear.

So that you see, Mr. LUSHINGTON, your idea of the Income Tax *falling solely* upon the *rich* may not be quite so correct as you imagined. If you are not convinced, however, let us suppose another case. Suppose a community of ten men, one rich landlord, and the rest his labourers in various ways, and that there is no tax at all. It is very clear, that the *whole* of the landlord's produce (for we will suppose there to be no money) must be divided amongst the other nine as a remuneration to them for administering to his wants and pleasures, except the tenth part, which he himself actually consumes. Up starts an eleventh man, all at once, out of the ground, and calling himself the government, takes half the *whole* of the produce from the landlord. The landlord has but half as much as formerly to give to the nine labourers, and half as much as formerly for his own consumption. This is not enough for him. He is reduced to suffering ; but, do not the nine labourers suffer too ? The government, indeed, having need of some of the nine labourers, gives part of its half back to them ; but, the government, which does not labour to *produce*, is itself a great *devourer*, and, besides, those of the labourers whom it employs do not assist in *producing*, and have to earn from the government by unproductive labour part of what it has taken away from the landlord and his productive labourers, who must, of course, work harder and live harder than they did before.

If this illustration be at all apt, or, if it be true, as it notoriously is, that *pauperism* has kept close upon the heels of *taxation*, what ground is there for saying, or supposing, that one tax, any more than another tax, affects the poorer classes ? But, neither is it true, that one tax, any more than another, tends to take away the landlords' estates, except, indeed, a direct tax on their property, which tax the funds

would be *exempted from* ; because, in this particular case, the tax on the land would be *paid to private persons* ; who own the funds. On the other hand, a tax upon the funds which should not be extended to the land, would be, in fact, a deduction from the interest of the Debt, and would operate partially. Whether this would be wise or foolish, just or unjust, I will leave others to determine. But, the project has been broached even in the parliament ; though I can remember the time, when any man, who should have dared to suggest such a measure, would have shared in that odium mixed with ridicule, which I alone had so long to endure.

It is, then, the *sum total* of the taxes, to which the eye of the real politician will be directed ; and, in the falling off in this sum total, he will see the surest, if not the only, sign of an approaching change in the system of sway in this country, and of the state of the representation, without which, I, for my part, shall view *any* change with an eye of perfect indifference.

In this view of the matter, it may be useful to inquire a little into the probability, under the present aspect of things, of the government being able to collect the present *total amount* during the present year. I must, however, be clearly understood here as speaking under the supposition, that the paper-money will retain its *present value* ; because, if the Old Lady in Threadneedle-Street should take to feeding John Bull again with Bank notes in as great abundance as formerly, and if her numerous Daughters should revive their former practice, I will answer for nothing but the flagrant exposure to the whole world of the paper system. Mr. VANSITTART has lately said, that *he hopes* the Bank will resume its payments in *specie*. I wish she may, with all my heart. He did not say *when* he expected this auspicious event. The sooner the better, however ; for, whenever the day comes, the average price of wheat will be *four shillings a bushel*, or thereabouts ; the quatern loaf will sell for *4d.* and we shall have a *constitutional reform in the Commons' House of Parliament*, which, I am convinced, we never shall have if the bushel of wheat does not come down, and remain at *5s.*, or less. It may seem an odd notion, that a political reform should depend on the price of the bushel of wheat ; but, so thoroughly am I con-

vinced of the correctness of this notion, that I keep my hoping eye very steadily on the market list. All has been done by paper; the Triennial Bill, the Septennial Bill; the whole has been done by the paper money. All that Swift and the Tories foretold, with regard to the effects of the paper system, has come to pass to the very letter. They had very clear views of the nature and tendency of the system. These views have been obscured since North and Pitt got into power. But, now again, men seem to be returning to the light. The estates have, as Swift foretold they would, been changing owners from 1740 to the present day. The change was imperceptible for a good while. Of late it has been visible enough; but now, the question simply is, *shall the present landlords retain their estates, or shall they lose them in the space of ten years?* That this is the only real question, and that this is clear to every man of common sense, is now notorious.

But, to return to the point, whether it be probable that 60 millions or 70 millions of taxes can now be collected in the country, during this year, even *with* the income tax at *ten* per cent. I am wholly at a loss to discover how any man can entertain the notion. It is notorious that rents must *fall one half*, or that the farms will remain *without tenants*. Of course, the Income Tax on land must fall off one half. It is notorious that land has fallen nearly one half in value, and, of course, the *stamp duties* on sales, mortgages, transfers, settlements, bequests, alienations, must fall off one half. It is notorious that goods sold at auction have fallen in nearly the same proportion; and, of course, here must be a similar falling off in duty. It is notorious, that there is a falling off to an immense amount in the consumption of wine, sugar, tea, candles, soap, and in that of what is of more importance than all the rest of exciseable articles, *malt*, (including *beer*.) And, is any one so obstinate as to contend, or, so foolish as to believe, that as large a total amount as usual can be raised in taxes from the carriages, horses, and dogs, the half of which have been actually flung by, or destroyed; from windows, the half of which have been shut up; and from houses, a very considerable part of the largest of which have been completely evacuated?

Some gentlemen, in Parliament, have

given instances of whole parishes that have not paid the Property Tax for the half year to last Michaelmas. We see in the newspapers real estates advertised *for sale by order of the Commissioners of the Property Tax!* To be sure this is an effectual way of getting the tax; but, *how long* can this last? Some months ago, I said, that the taxes of this year were paid out of the *capital* of the farmers and traders. Those of them who had no money by them, and could borrow none, have sold off *stock* which they ought to have kept. Those who had not stock enough, have gone to jail. The taxes, which stand first on the list of legal demands, have generally, perhaps, been got *this time*; but, will they be got a second time in the same way? To believe this, to hope it, does really appear to me to be proof positive of the wildest infatuation.

I asked a gentleman, the other day, what he thought was *the real opinion of the Ministers as to the prospect before them*. His answer was to this effect: "Why, Cobbett, should you be surprised at their ignorance of such matters? It requires not only a solid head to start with, but great observation and long reflection, to enable any man to form any thing like a correct opinion upon such a subject; and, supposing the Ministers to be naturally profound men, what time or opportunity have they for reflection or observation, engaged, as they incessantly are, in all sorts of miserable details and disputes? And, as to the information which they receive from their underlings, those underlings know their own interest too well to tell their masters disagreeable truths. Thus ignorant themselves, from the want of time to see and think, and deceived by those on whom they rely for a knowledge of facts; and, afraid to look at the dark side of the picture, and also afraid to confess the necessity of any change that would throw discredit on the system, they are endeavouring to force things along in the usual way, and at any rate, to get over this session, and try the Chapter of Accidents."

There certainly is no other way of accounting for the high tone of the Regent's speech, and the passages of the address, which bragged about the prosperity of the Country. Nay, about the same time, there appeared in print a speech of the

*Prime Minister*, made to a *Bible Society* at Dover, in which he talked of the “*unexampled prosperity of the country*.” It is too much to suppose, that, especially upon such an occasion, he would have uttered a *wilful falsehood*; because, besides the grossness of the impiety, he must have been sure that the falsehood would be manifest to the whole country. Therefore, if he uttered the speech attributed to him, he must have been as completely ignorant of the real state of England as he may be supposed to be of the real state of the people in the Moon.

Upon the subject of the *Standing Army* there have been some excellent speeches; but, amongst them all, I admire most that of **LORD FOLKESTONE**, on account of some particular points on which he touched. He showed, by citing numerous instances, how the military power and authority had been creeping over us. He pointed out endless cases, in which the bayonet had supplanted the constable’s staff. But, what pleased me most was his observations on the *Military Asylum* and *Military Academy*, of which, by the bye, there are many. The grand affair of this sort is on a *barren heath*, about 30 miles from London. A school! Faith it is an *immense palace!* There is a regular *fort* erected near it. The houses of the *Tutors*, *Purveyors*, &c., form a sort of *town*, at a little distance, which is called *York Town*, and as there is a hill at one end of the town, it is called *Osnaburgh Hill!* The *tout-ensemble* is, perhaps, called little *Germany*. The boys, who are placed in this seminary, are clad in regiments. They wear uncouth caps with a *Number* upon them. Thus secluded from the people from their infancy, what are they likely to become? And what is become of the argument, so frequently used of late years, that the people of England can be in no danger from an army commanded by *English Gentlemen*?

However, these are only indications of wishes, which will never be realized. All the whole of the scheme is vain. It never can be carried into effect for any length of time. I am sure it cannot. I am, therefore, in no apprehension, about the standing army on any other account than as regards its expense, and the incapacity that it will produce to make any thing like a *fair compromise between the land and the funds*. This is the *real* mea-

sure to be adopted, and that, too, as speedily as possible, before the parties assume any thing resembling an *open separation* in the eyes of the nation at large; for, if that once take place, farewell to all hopes of justice. This discussion about the Income Tax has had a tendency to begin the breach; for, it was impossible, during such a discussion, for the landholders to refrain from contrasting their lot with that of the fundholders. If these disputes go on, they will end in open contests; these will soon become of a very hostile nature: and, when anger once supplies the place of reflection, justice stands but a very miserable chance.

The discussions upon the subject of the army have brought forth some statements relative to *Ireland*, which are valuable, because they contain an account of the state of that country, given by the *Ministers themselves*. But, before I enter upon this part of my subject, I must notice the language of some of the persons, presenting petitions against the Income Tax.

Sir **WILLIAM CURTIS** said, on presenting a petition from the Tower Ward, that he had known the petitioners for 30 years, and that they had always been distinguished for their *loyalty*. Others say, that they have paid, *without grudging*, taxes to carry on the war; and that they would do the same again. I dare say they would, if they could; but I can assure them, that, good as their *hearts* might be in the cause, their *purses* would fail them this time, unless wheat rose to 20s. a bushel, and then we might pretty nearly cover our houses with paper money. When I hear the lamentable accounts of the miseries of the country; when I hear of the cutting the throats of hunters and dogs for fear of the taxgatherer; when I hear of the thousands of families, plunged into distress at home, while the heads of them are sent to jail; when I hear of the shame, confusion, and distraction which the effects of the war are creating all over the kingdom; when I hear the descriptions of the screaming wives and children, while suicide, from pecuniary distress, is making such dreadful ravages: when I hear of all these, I cannot help remembering how many men have suffered from *ex-officio* prosecutions for publishing writings against the system, which has, at last, led to these consequences, and that they suffered, too, with-

*out calling forth petitions to parliament from any portion of this same people.* And I should be guilty of real baseness ; I should do violence to my own feelings, as well as to those of all that belong to me, if I were to disguise, that, upon this occasion, we do not feel as we should have felt had we ourselves never suffered. Men, of great respectability, are now going to jail and leaving their families in tears. And, did not I go to jail ? Men are stripped of their property. And was not I stripped of my property ? It is notorious, that, with the exception of London and Westminster, Norwich, Nottingham, and Sheffield, there is hardly any part of England, which has, in any considerable body, ever discovered any feeling for the sufferers of *the press* ; and yet the labours of those sufferers, if they had had their free course, would have prevented the present calamities.

And, let us bear in mind, too, that these sufferings, which arise wholly from the war, and from the Debt and army which the war has entailed on this country, have not come until after the cause of *them* has been the cause of *other people's* sufferings. The chuckle-headed farmer, who used to revel in delight at hearing of Jacobins sent to jail, should, when he is going to jail himself, recollect those times. He used to call for another bottle to finish his beastly mess, when the newspaper arrived, and told him of the devastations in France, or of those in America. Let him now, then, as he enters the jail door for the want of means to pay the expenses of those exploits, bow his head to the jailer, and acknowledge the justice of his fate. How many of these impudent men have (behind my back) called me "*an enemy of the country!*" Wheat at 20s. a bushel they called "*the country.*" Those who could make their sons excisemen or custom-house officers they called *the country*. They have now found, that *this country* has slipped through their fingers. One of my chief objects in going to Winchester, the other day, was to see how these "*loyal*" men *now* looked. Faith ! they were changed ! They looked as if they had just come from having a tooth drawn. Monstrously *sulky*. It was easy to distinguish the Jacobins from the "*Loyal.*" The former, though in the same plight as to purse, could not refrain from *laughing* ; and I certainly never did

hear so much laughter, and never laughed so much on any day in my life. I complimented our old opponents upon the great improvement in their language and sentiments, and told them, that, as it was manifest that their notions of freedom had risen in a precise proportion to the diminution of their purses, I felt confident hopes, that, by the time that we met again, the taxgatherer would have gone far towards sweating them up to our standard. Some of them endeavoured to force up a smile, but it soon lost itself in a cursing grin. I reminded them, that it was not now a battle between their old friends, the Ministers, and us Jacobins ; but between their old friends, the Ministers, and themselves ; and that all that we Jacobins had to do was to stand by and see fair play.

You, in America, will wonder how I can say these bitter things ; how I can tell so large a part of the community of their faults ; how I can express openly my satisfaction, that the time of suffering is arrived for those crowds, who, with such insensibility, at best, have seen others suffer, and who, in many cases, have openly exulted at their suffering ; you will wonder how I can say these things, how I can laugh at and mock the sufferings of these people ; you will wonder that I do not lose all my readers. I sometimes wonder at it myself, 'till I take time to reflect. To be sure, this consideration would have no weight with me ; for, what is life without *pleasure* ; and how can I have any pleasure, as to public affairs, if I stifle my sentiments ? if I, holding the lash in my hand, do not lay it on where it is merited ? It is, perhaps, quite impossible for any writer to be more *unpopular* than I am. There are, to be sure, a great many thousands who are my stanch friends ; but, *comparatively* speaking, these are nothing. Those who *read*, many of them, curse me. Still they read ; but, if the writings *convince* them, they still hate the writer, because he convinces them of the truth of what they dread. Like the Devils, they believe and tremble.

It is quite curious to observe how the language and sentiments of the press, and of the parliament too, have followed my language and sentiments, upon numerous occasions ; and more particularly as to the effects of the war on our situation in

peace. Two years ago, when Napoleon was banished to Elba, and when this nation were *drunk* with joy at that event; when it was bawling and shouting round "Old Blucher" and the kings; when it was celebrating, in all the parishes, the "triumph of kings," by roasting of oxen whole, and by all sorts of savage anticks; at that time, when the Churchwardens and Overseers applied to me to subscribe towards a parish *ox*, my answer was, that I should give them not a farthing; that I felt no joy at the event; and that I would suffer none of my servants or labourers to partake in the festivities. At the same time, even while the nation was raving-mad drunk, I told them that the time was not far distant when they would curse their folly. I remember, that, on the day that all Hampshire, and all the neighbouring counties, were flocking to see the Kings at Portsmouth, I was busy in a field on the side of the road, attending to the fallowing of a piece of foul land, when a clergyman, whom I knew very well, passed in his gig. He stopped, and asked me why I did not go to Portsmouth. I told him (and he has, I am sure, thought of it a hundred times since) that I was endeavouring to provide against the miseries that the follies and wickedness then about to be celebrated at Portsmouth would bring upon us. I told him that the nation was *drunk*, and that I had never yet seen an instance of drunkenness not followed by suffering of some sort or other. I verily believe he thought me mad, or, at least, sunk into a state of melancholy; and, I confess, that this latter would have been the case, had I not felt confident, that a short time would verify my predictions, and give me ample vengeance on those, who, at that time, exulted in what they deemed the total overthrow of all my political principles.

But, what do I *now* see and hear? Why, I *see* that all my predictions, though then regarded as so *wild*, are fulfilled, and, that though I was pretty bold in my description of the state of things that was to come, the reality has far surpassed the speculation. And I *hear* my sentiments, my doctrines, my very *words*, repeated (as if they were their *own*) by those writers and speakers who used to ridicule, or abuse, me and my notions. I see writers and speech makers now com-

ing forth with descriptions of the *causes* of the evil and with *remedies*, which they, with the most admirable appearance of simplicity, publish or utter, as their *own*, every word, or, at least, every *thought* of which I could, if it were worth the trouble, show, that I have been, for years, endeavouring to hammer into the heads of this nation. I have, as I observed in my last Number, not more than a *hundredth* part of the English press in my hands. I mean a hundredth part of the *power* of the press; for, as to the *property* of the press, or the *quantity* of it, I do believe I have no more than a *thousandth* part, and, perhaps, not a *two thousandth* part. Well, until the very *eve* of the meeting of parliament, there was only my small portion of the press, unenlivened as my dry and unpopular matter is by any mixture of amusing novelties, and clogged, as it necessarily must be, with a high price; there was only this trifling portion of the English press that appeared to have any knowledge of any distress existing in the country. Hence it is, that the calamities seem to have burst upon us like the thunder clouds burst sometimes over the houses in Pennsylvania. Men *felt* distress themselves; but they knew nothing of its general prevalence; nothing at all of the *causes* of it; and had not the smallest idea of any *remedy*. I say it with confidence, that, in the month of *December* last, the real situation of England, and the dangers which were approaching her, were better understood on the banks of the *Ohio* and of the *Mississippi* than on the banks of the *Severn* and the *Thames*; because, by the means of republication, the people, in general, inhabiting the former, had then read my essays of last autumn; and, because, the inhabitants of the latter, even if it had been possible to force them to read those essays, had so many other publications to undo all that I was able to do; had their ears so incessantly assailed by pleasing falsehoods, that my efforts were rendered of no effect. But, *experience* of the foreboded evils has done the thing for me. The lessons of theory which come *after practice* are always the soonest learnt. The man who never had a leg sawed off (a pretty lucky man, indeed, if he has, with a sore toe, fallen into the clutches of some of our modern surgeons) will be much longer in acquiring right notions of the previous and

subsequent feelings than one who has had a leg sawed off. So also the yeomanry cavalry, who are now crowding to our jails, understand my essays at the very first reading ; and, though they curse me most heartily for the truths which I tell them, and even for having so long warned them of their danger, still they do, at any rate, now *understand* what I write. They are no longer to be deluded.

" But," some one will say, " is it not enough to have triumphed over this host of prejudices, and calumnies, and indignities, without pursuing, with such apparent rancour, those whom you see converted ?" In the first place, they are *not converted*. They suffer, but they do not amend, except inasmuch as they are amended by *compulsion*. Besides, have *they* ever shown any compassion to a fallen foe ? Have they been merciful in the day of their power ? And, moreover, it is necessary, with a view to the future, to assert *now* my right to be attended to ; for, in spite of what Lord Castlereagh and his colleagues are pleased to say about the *temporary* nature of the present distress, it will soon be found, that we are only at the *beginning* of our troubles ; and, that schemes of real and substantial *change* will, at no distant day, have to be discussed.

As I have been the advanced guard upon all other occasions, so, I see, I must be *here*. In my next Number I WILL PROPOSE MY REMEDY, which shall be an *effectual one*. I have waited to see whether any other man had the boldness to do this ; but, though I now and then hear a word or two dropped, which seems to indicate that the speaker is upon the *right scent* ; though my ear is occasionally delighted with a sudden burst, which calls forth a " *hark to him !* " I am always disappointed, and can discover no hope of seeing that old Fox, the Pitt System, fairly driven from his cover. He has, after much digging and firking, been *unearthed* ; but he still hides himself in the thickets and coppices. Out, however, he must come now ; we must have him in full view, and the pack open-mouthed at his heels. This job is, I clearly perceive, reserved for me ; and, *next week*, health and weather permitting, I will assuredly perform it, and that, too, in fine style. I only wish that Pitt, and Dundas, and Perceval were alive (God forgive me !) to see the sport.

I now proceed to notice the account which the Ministers themselves give of the use which the 25,000 soldiers are to be put to in IRELAND, and which account I find in the speech of Mr. PEEL, delivered in the House of Commons on the 28th of February.

" Mr. PEEL rose to explain the grounds upon which it was necessary that a force amounting to 25,000 men should be kept up in Ireland ; and in so doing he should be most anxious to avoid every allusion or argument that could possibly tend to provoke what might be considered as a political discussion. The House could not but be aware of the great difference between the condition of Ireland and this country, and that the expediency of any measure, in reference to the former, was not to be estimated by its fitness or necessity as to the latter. In particular, it was to be recollect, that Ireland did not, and from particular circumstances, could not, possess *that greatest of all blessings*, a resident *Gentry*. He should not inquire now into the reasons for that condition, or into the causes of many other things which materially affected the tranquillity and happiness of Ireland. He should confine himself merely to facts. The military force of Ireland were appointed to three descriptions of employments ; first, that employment which might be considered as *strictly military* ; secondly, in *preserving the peace and aiding the civil power of the country* ; and, thirdly, in suppressing that great and general grievance, *illicit distillation*. It should be remembered, however, that though the nominal force which was to be kept up in Ireland was 25,000 men, yet the effective number would not, at any time, exceed 20,000. It would be extremely difficult to ascertain, with precision, the exact amount that would be required for the performance of the strict military duties to which he had alluded ; but he could assure the House, that every effort had been employed, by consulting the most intelligent military men upon that subject, in order to reduce it as much as possible. With respect to the other, and the more delicate part of the application of this military force, namely, in *preserving the peace of Ireland*, he wished to enter into a

" few details. The Army of Ireland was, " at the present moment, divided into " four hundred and forty-one stations, and " he would explain upon what principle. " The House must not suppose that the " Government of Ireland listened to every " hasty application on the part of the " Magistrates for the employment of a " military force. On the contrary, the " answer invariably was, that it was im- " possible to attend to every individual " application, and that it was necessary " some line should be drawn. When, " therefore, the state of a country was " such as seemed to require the interposi- " tion of the military, directions were given " for summoning the Magistrates, who dis- " cussed the question of its necessity ; " but even *their decision*, when in favour " of the employment of a military force, " was not considered as conclusive, unless " confirmed by the opinion of the Com- " manding Officer of the district. Not- " withstanding, however, all those pre- " cautionary measures, the number of " military quarters amounted, as he had " already stated, to 441, though it was to " be observed, that, upon the reduction " of the army, more than 200 of those " quarters would be abandoned. For " himself, he certainly entertained *no pre-* " *dilection for a military force*, but, at the " same time, he must say, that it was " better to execute justice by a military " force, than not to execute it at all. " [Hear, hear!] Even in a constitutional " point of view, indeed, and as a means " of avoiding the recurrence to those le- " gislative measures which that House " had sanctioned, it was, perhaps, pre- " terable to employ a military force in " aiding the civil power to maintain tran- " quillity. There were many parts of " Ireland in which it was absolutely ne- " cessary either to employ soldiers, or to " resort to the Insurrection Act. The " various causes, political as well as " moral, which rendered it unavoidable " to employ such measures, for maintain- " ing the public peace, *he did not then* " *mean to discuss*; but many Honourable " Gentlemen, especially those who were " the Representatives of that country, " could not be altogether unacquainted " with them. With respect to another " part of the subject, he meant the em- " ployment of the military in doing the " duty of custom-house officers, he could

" state that that system had prevailed in " Ireland at least since the year 1779; for " at that period, a regulation was made " authorizing the employment of soldiers " to repress the practice of illicit distil- " lation, and ordering that any officer who " refused to let his men be so employed " should be brought to a court martial. " He would submit to the House a com- " parative statement of the amount of " force employed upon this service at " different periods. In 1806 there were " four hundred and forty-eight military " parties occupied in detecting illicit dis- " tillation: in 1807, five hundred and " ninety-eight; in 1808, 431; in later " periods still more; and in the half year " ending with Dec. 1815, they amounted " to 1889. The *absolute necessity* of em- " ploying the military on that kind of " service was *well known* to every person " who was at all acquainted with the ac- " tual condition of those parts of Ireland " where illicit distillation most prevailed. " He wished, however, to guard the " House from supposing that he consider- " ed those temporary remedies as afford- " ing any *permanent relief*; he was fully " sensible that they could not afford such " relief; but still, while that disposition " to turbulence and riot existed, no one " could deny that it must be vigorously " checked. The only radical, and sub- " stantial, and permanent relief that could " be calculated upon, must arise from the " diffusion of knowledge and education " among the lower classes of the Irish po- " pulation; and he should extremely de- " precate, even in these times of general " economy, that most unwise applica- " tion of the principle of economy, " which would tend to obstruct the pro- " gress, or to limit the extent of that know- " ledge and education, [hear, hear!] It " would be infinitely better to have an " enlightened Catholic population than an " ignorant one. The Right Hon. Gen- " tleman entered into a variety of other " details, which the lateness of the hour " prevents us giving at that length which " their importance requires."

Such is the account which the Ministers themselves give of the state and treatment of Ireland. This impudent fellow pretends, that it is a *want of knowledge and education* amongst the people of that country, which renders a military govern- ment necessary. What a base falsehood!

He, and all who heard him, know well, that it is the oppressions of *tithe-factors* and *taxgatherers*, which really grind the people nearly to death. During the present Session of Parliament, it has been several times declared, that in many parts of Ireland, the people have actually, in numerous cases, been *starved to death*. In Dublin there are whole streets, in hardly any one house of which there are not persons actually without *fire* and without *clothes* of any sort. It appears, in thousands upon thousands of instances, that the *factor* or the *taxgatherer* leave the wretched inhabitant of the fields without a bed, or a meal, or any household utensil. The facts related with regard to the state of Ireland, are such that one could not believe, if they were not actually *proved* to exist. And, in the midst of all this suffering, during the existence of all these oppressions, enough to drive any people mad, the base knaves who come over once a year to *sell* their country's freedom, sit quietly and hear the necessity of a military government ascribed to *want of knowledge and education!* Just as if extensive knowledge and education would make a people quiet under *intolerable oppression*. But, can these base and profligate men show us any *proof*, or any *symptom*, of a deficiency of natural talent in the Irish nation? Can they produce us *any* people with *more genius*, *more bravery and skill in war*, *more acuteness and eloquence*? They do not labour so hard and so constantly as the English, nor is it at all necessary that any people should. But, how large a part of the wilds of America have been cultivated by Irish hands! How large a part of the heaviest labour of England is performed by Irishmen! How large a part of her victories, her conquests, her colonies, and her power, does ungrateful and cruel England owe to Irish bravery and perseverance! In short, it is because the Irish nation is full of mind, vigour, enterprise, and high spirit, that it is treated in such an unjust and cruel manner. The Boroughmongers of England consider it as a *colony*. The whole of the Church Property, and a great part of the taxes, of Ireland are, in fact, used as the property of the Boroughmongers of England. *This is the evil* which Ireland feels. Ireland is too populous, and too sensible of her ill usage, to submit *quietly* to her foreign oppressors. Delusion and division have been

tried 'til they have failed; and, therefore, it is now come simply to this: that Ireland is no longer to be robbed in so flagrant a manner, and to such an enormous extent, without the *direct use of a military force*.

I have been thinking of the most effectual way of causing the People of America to see Ireland *in its true light*. It is of great importance that you should know how this matter stands. America is peopled, in a considerable degree, by Irishmen and the descendants of Irishmen. Thousands annually go to America from Ireland. Therefore, it must be of great use for the people of America to be truly and fully informed of the sort of government to which the Irish nation are compelled to submit. And, after much consideration, I am of opinion, that there is no way of communicating this information as that of inserting here the *Act of Parliament*, by which Ireland is now governed. As to *Constitution*, as to *Law*, as to *Justice*; all is a *farce*, as far as Ireland is now concerned; but, it is useless to say this without *proving* it. To say, as I have before said, that *juries* and even *judges* are dispensed with in a great part of that country; that *any man's house* may, at any moment of the day or night, be forcibly entered with impunity; that the people of whole counties are compelled, under pain of *transportation*, to remain shut up in their houses from sunset to sunrise; that there is *no redress* for any man whom the agents of the government may choose to ill-treat; and that, in short, the American prisoners at Dartmoor were not worse treated than one half of the Irish nation now is: to say this, naturally and necessarily exposes one to the charge of exaggeration. It is almost *impossible* to believe the statement to be true. Therefore, I will here insert the *Act of Parliament* itself, which was passed on the 1st of August, 1807, and which, by renewal, has been continued in full force to this day. This act, this atrocious, this cruel, this bloody act, which is without parallel in the history of tyranny, may now be called the *settled Constitution of Ireland*. The American reader will feel indignation that a people should be found on the face of the earth capable of submitting to such an insolent system of oppression; but, his indignation against the oppressed would be changed into additional hatred against

the oppressors, if he could be informed fully of all the arts to which this government has resorted, in order to effect its purposes. In calling upon every just man in the world for his execration of this matchless deed of despotism, I have only to add, that it was the joint work of the two factions in Parliament; that it was drawn up by *Grattan*, and brought forward by *Perceval*.

The act begins by reciting several former acts, which it repeals; it next provides for the carrying through all prosecutions commenced under those acts, and, then it proceeds in the following words :

III. And be it enacted by the authority aforesaid, That any person or persons who shall administer, or cause to be administered, tender, or cause to be tendered, or be present, aiding and assisting to the administering or tendering, or who shall by threats, promises, persuasions, or other undue means, cause, procure, or induce to be taken, by any person or persons in Ireland, upon a book, or otherwise, any oath, or engagement importing to bind the person or persons taking the same, to be of any Association, Brotherhood, Committee, Society, or Confederacy whatsoever, in reality formed or to be formed, for seditious purposes, or to disturb the Public Peace, or to injure the persons or property of any person or persons whatsoever, or to compel any person or persons to do or to commit, or refuse to do any act or acts whatsoever, under whatever name, description, or pretence, such Association, Brotherhood, Committee, Society, or Confederacy, shall assume, or pretend to be formed or constituted; or any oath or engagement importing to bind the person taking the same to obey the Orders, or Rules of any Committee or other body of men, not lawfully constituted, or of any Captain, Leader, or Commander, (not appointed by or under the authority of His Majesty, his heirs and successors,) or to assemble at the desire or command of any such Captain, Leader, Commander, or Committee, or of any person or persons not having lawful authority, or not to inform or give evidence against any Brother, Associate, Confederate, or other person, or not to discover his or her having taken any illegal oath, or not to discover any illegal act done or to be done, or not to discover any illegal oath or engagement which may be

administered to him or her, or the import thereof, whether such oath shall afterwards be so administered or tendered or not, or whether he or she shall take such oath, or enter into such engagement or not, being by due course of law convicted thereof, shall be adjudged guilty of felony, and be transported for life; and any person who shall take in Ireland, any such oath or engagement, importing so to bind him or her as aforesaid, and being by due course of law convicted thereof, shall be adjudged guilty of felony, and be transported for seven years.

IV. Provided always, That any person or persons who may have been compelled by inevitable necessity to commit any of the offences aforesaid, upon proof of such inevitable necessity, shall be excused and justified: Provided, that no such inevitable necessity shall excuse or justify any such person or persons, unless he, she, or they shall, within ten days, if not prevented by actual force or sickness, and then within seven days after such actual force or sickness shall cease to disable him, her, or them to give information of the same, disclose to one of His Majesty's Justices of the Peace in the county in which he, she, or they shall then be, by information, on oath, the whole of what he, she, or they know, touching the compelling him, her, or them to commit any such offence, and of the person or persons by whom he, she, or they were compelled to commit such offence, and who were present at the time such offence was committed: Provided, however, that no person shall be so excluded from the defence of inevitable necessity, who shall be tried for the same offence within the said period of ten days from the commission of such offence, or of seven days from the time when such force or sickness shall cease as aforesaid.

V. And be it further enacted, That all persons present aiding and assisting at the administering of any such oath or engagement, and all persons causing any such oath or engagement to be administered or tendered, though not present, shall be deemed principal offenders, and be tried as such, though the person or persons who actually administered or tendered such oath or engagement shall not have been tried or convicted.

VI. And be it further enacted, That it shall not be necessary, in any indictment to be found against any person for administering, tendering, or taking such oath or engagement, to set out the words of such oath or engagement, and that it shall be sufficient to set forth therein the purport or object of such oath or engagement.

VII. And whereas, in several instances, persons who have given informations against persons accused of crimes in Ireland, have been murdered before trial of persons accused, in order to prevent their giving evi-

'dence, and to effect the acquittal of the accused ;' be it declared and enacted, That if any person who hath given or shall give information, on examination upon oath, against any person or persons, for any offence against the laws, hath been, or shall be, before the trial or trials of the person or persons respectively against whom such information or examination was given, murdered or violently put to death, or so maimed or forcibly carried away and secreted as not to be able to give evidence on the trial of the person or persons against whom such information or examination was given ; the information of such person or persons so taken on oath, shall be admitted in all courts of justice in Ireland, as evidence on the trial or trials of the person or persons respectively against whom such information or examination was given : Provided always, that the information or examination of a witness secreted shall not be evidence, unless it shall be found on a collateral issue, to be put to the jury trying the prisoner, that the person so secreted was secreted by the person then on trial, or by some person or persons acting for him or her, or in his or her favour.

VIII. And be it further enacted, that if it shall appear that any person, having given information or evidence against any person or persons charged with any offence against the public peace, shall have been murdered or maimed, previous to the trial of the person or persons accused by such information or evidence, or of any of them, or on account of any such evidence given, or that any Magistrate or other peace-officer shall be maimed or murdered on account of his exertions as such Magistrate or peace-officer to bring disturbers of the public peace to justice, it shall and may be lawful to and for the Grand Jury of the county, county of a town, or county of a city, within which such murder or maiming shall have been committed respectively, to present such sum or sums of money as they shall think just and reasonable, to be paid to the personal representative of such witness, magistrate, or peace-officer who shall be murdered, or to such witness, magistrate, or peace-officer who shall be maimed, having regard to the rank, degree, situation of such witness, magistrate, or peace-officer, to be raised on the county at large, barony, half-barony, or parish, in which such murder or maiming shall respectively have been perpetrated, at the discretion of such Grand Jury.

IX. And be it further enacted, That it shall and may be lawful for any Justice of the peace in Ireland, to arrest and bring before him, or cause to be arrested and brought before him, any stranger sojourning or wandering, and to examine him or her on oath respecting his or her place of abode, the place from whence he or she came, his or her manner of livelihood, and his or her motive or object for remaining or coming into the county, city, or town in which he or she shall have been

found; and unless he or she shall answer to the satisfaction of such Magistrate, or produce sufficient security for his or her good behaviour, such Magistrate shall commit him or her to Gaol, or to the House of Correction, there to remain until such time as he or she shall find such security as aforesaid, or until he or she be discharged by such Magistrate, or by the means hereinafter mentioned : Provided always, that such Magistrate shall, without delay after such committal, transmit a true and faithful report thereof, and the grounds and reasons thereof, the amount of bail required, with the Examination of the Prisoner, and the reasons alleged by him or her, why he or she should not be committed, which such Magistrate is required to take down in writing, to the Lord Lieutenant, or other Chief Governor or Governors, for the time being, in order that such person be detained or discharged, as to him may seem right.

X. And, in order to restore peace to such parts of Ireland as are or may be disturbed as aforesaid by seditious persons, and to preserve the peace in counties which may be in danger of being disturbed ; be it further enacted, that it shall and may be lawful to and for any two Justices of the Peace in any county, or county of a city, or town in Ireland, to direct, by writing under their hands and seals, the clerk of the peace thereof to summon an extraordinary session of the Peace to be holden therein at such place and at such time as they shall deem expedient, not sooner than forty-eight hours after such direction shall have been delivered to such clerk of the peace, in order to consider the state of such county, town, or city ; and thereupon such clerk of the peace shall, forthwith, post notice thereof upon the door of the Court house of such county, town, or city, and cause, as far as in him lies, every Justice of the Peace of such county, town, or city, who shall be resident therein, to be summoned to such sessions ; in serving which sessions every constable, sub-constable, and sheriffs' bailiff is hereby required to obey, and be aiding and assisting such clerk of the peace ; and that the Justices assembled in consequence, not being fewer than seven in a county at large, or than three in a county of a town or city, or the major part of such Justices respectively, shall and may, if they see fit, upon due consideration of the state of the county, signify, by memorial signed by them, to the Lord Lieutenant or other Governor or Governors of Ireland for the time being, that they consider their county, or any part thereof, to be in a state of Disturbance, or immediate Danger of becoming so, and the grounds and reasons of such their opinion, and praying that the Lord Lieutenant may proclaim such county, or part thereof, to be in a state of disturbance, or in immediate danger of becoming so ; and thereupon it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of Ireland for the time

being, by and with the advice of His Majesty's Privy Council in Ireland, if he and they shall respectively think proper so to do, by Proclamation to declare such county, or any part of such county, to be in a state of disturbance, or in immediate danger of becoming so; as also such part as he and they shall think proper of any adjoining county; a copy of which Proclamation shall forthwith be transmitted by a clerk of the Privy Council to the clerk of the Peace of every such county so mentioned therein, who shall thereupon, and is hereby required forthwith to give notice thereof to the several Magistrates, and to the assistant Barrister of every such county, or to the person duly qualified and empowered to act as assistant Barrister therein, requiring their attendance at the Special Sessions to be held as hereinafter mentioned, unless some part of such county shall previously have been proclaimed, under or by a Proclamation then in force, by virtue of which the Special Sessions shall be then sitting from day to day, as hereinafter mentioned, in which case he shall forthwith give such notice to the Justices presiding at such Special Sessions, who shall thereupon, or as soon after as the court shall sit, cause such further Proclamations to be publicly read in open court.

XI. And be it further enacted, That every such Proclamation shall warn the inhabitants of every such proclaimed county, or part thereof, to be and remain within their Houses at all hours between sunset and sunrise, from and after such day as shall be named therein for that purpose, under the penalties by law established; and such Proclamation shall further order and direct that a Special Sessions of the Peace for every such county, whereof the whole or any part shall be so therein proclaimed, shall be held in such county at such time and place as shall be therein named, not exceeding seven days from the date of such Proclamation; and such Special Sessions of the Peace shall be so held accordingly, and shall from thenceforth continue to sit so long as such county, or any part thereof, shall be proclaimed, and shall have power to adjourn from time to time, and from place to place within such county, as shall be found convenient; and the clerk of the peace in every such county is hereby required to cause such Proclamation to be published in all the public newspapers printed within such county, and to cause one or more printed copies to be posted up in large legible characters in all the market towns within the said county, or such part thereof as shall be so proclaimed; Provided, however, that if any part of such county shall have been previously proclaimed by or under any Proclamation then continuing in force, in whole or in part, by reason whereof there shall be then a court of Special Sessions of the Peace sitting under this act from day to day in such county, then such Special Sessions of

the peace so then sitting shall continue to sit, and shall take cognizance of all offences committed within such district or part so newly proclaimed, in the same manner in all respects as if such Sessions of the Peace were summoned and sitting by and under such latter Proclamation.

XII. And be it enacted, That every county, or part of a county, so proclaimed, shall be considered, to all intents and purposes, as a proclaimed district, from the day on which the inhabitants thereof shall be required by the Proclamation to remain within their houses between sunset and sunrise as aforesaid, and not before.

XIII. And be it further enacted, That all Proclamations which shall be issued under this act, by the Lord Lieutenant, or other Chief Governor or Governors of Ireland, for the time being, by and with the advice of his Majesty's Privy Council as aforesaid, or have been heretofore issued, and shall hereafter be issued under the said recited acts, or any of them, or the Dublin Gazette, importing to contain a copy of such Proclamations respectively, shall be deemed and taken to be, and shall be conclusive evidence in all courts of civil or criminal jurisdiction in Ireland, of all such facts as were, or shall be necessary to authorize the issuing of such Proclamations as aforesaid; and every such Proclamation shall be deemed and taken in all courts respectively, to all intents and purposes whatever, to have been issued in conformity to the several Provisions of this act.

XIV. And be it further enacted, That after the issuing of such Proclamation, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of Ireland for the time being, and he or they is and are hereby empowered and required to direct any one of his Majesty's Sergeants at law, or of his Majesty's Counsel learned in the law, in Ireland, if any such Sergeant or Counsel can be procured, to repair to any such county which, or any part of which shall be so proclaimed, and there to continue and to preside at the said Sessions from day to day, in manner hereinafter mentioned, so long as such county shall continue to be so proclaimed, unless sooner recalled or permitted to leave the same, by the Lord Lieutenant, or other Chief Governor or Governors for the time being; and that the assistant Barrister of every such county, or such other person as shall be duly qualified and empowered to do the duty of an assistant Barrister therein, shall, on receiving such notice as aforesaid, forthwith repair to such county, and shall continue in the said county, and be present at the said Sessions, in manner hereinafter described, so long as the said county, or any part thereof, shall continue to be so proclaimed, so that so long as any such county, or any part thereof, shall be proclaimed, there shall

always be therein an assistant Barrister, or persons duly empowered to discharge the Duties of the said office.

XV. And be it enacted, that it shall and may be lawful for such a sergeant at Law, or Counsel learned in the law, to preside in the said Court of Sessions of the Peace, as Chief Judge thereof; and that such court of Sessions of the Peace shall, for the purposes of this Act, and in all proceedings under the same, have and possess all and every of the Jurisdictions, Powers, and Authorities belonging and incident to a court of Oyer and Terminer and General Jail Delivery, and shall proceed without any Grand Jury, or any Bill found, to try any person or persons, who shall, by information upon oath, taken before any Justice of the Peace of the County wherein such court shall sit, and returned to the clerk of the peace for the said county, or his deputy, be accused of any of the Matters and Things in respect whereof any person is, by this act, declared to be an idle and disorderly person, and shall try such person or persons, on evidence on oath, to be administered by such court in support of such accusation; and on evidence upon oath, to be in like manner administered in support of the defence of such person or persons, if any evidence shall be offered; and shall convict and pass judgment upon, or acquit the person so tried; according as the merits of the case shall appear to the court before whom the same shall be tried; and that such conviction and judgment, or acquittal, may be had and pronounced without the verdict of any petty jury, and shall be equally in law as if such judgment had been had on a Bill found by a lawful Grand Jury, and the verdict of a lawful Petty Jury, given thereon; Provided always, That if such court shall think fit and proper, having due regard to the circumstances of the case, and the then existing state and condition of the county, to try any person on any fact alleged on any trial, by a jury, it shall and may be lawful for such court to cause a petty jury to be returned, sworn, and impanelled immediately, or at any time they may appoint, for the trial of such person or persons, fact or facts, as they shall give in charge to such jury, and to take and consider such verdict as of the same force and effect as to the matter given them in charge, as the verdict of a petty jury given in a court of Oyer and Terminer and General Jail Delivery, and shall pass their judgment on such case accordingly: Provided, also, that the execution of any judgment of conviction shall be suspended unless the Sergeant at Law, or Counsel learned in the Law, so presiding in such court of Sessions of the Peace, shall agree with the majority of the justices of the peace present at such court; and in case such Sergeant at Law, or Counsel learned in the Law, should differ from the majority of the justices of the peace present at such court of

Sessions of the Peace, he shall forthwith report the case and the whole of the evidence taken upon the same, together with his opinion, to the Lord Lieutenant, or other chief governor or governors for the time being, who is hereby empowered to give such directions thereupon as he may think proper; and that, until the directions of the Lord Lieutenant, or other chief governor or governors of Ireland for the time being, shall have been received, the prisoner shall remain in custody: Provided always, that nothing contained herein shall prevent the holding the General Sessions of the Peace in such county, in the usual manner for discharging the ordinary business, at such hours as the said Special Sessions shall not be sitting.

XVI. And be it further enacted, That any magistrate or peace-officer may cause to be apprehended and committed any person who shall, within any such county or district so proclaimed, be found in the Fields, Streets, Highways, or elsewhere, out of his or her dwelling or place of abode, at any time from one hour after sunset to sunrise; and such person being duly charged therewith on oath as aforesaid, shall and may be brought before the Special Sessions of the Peace, which shall inquire into the said charge; and unless the person accused can prove to the satisfaction of such court, taking the assistance when and so far only as such court shall require the same, that he or she was out of his or her house upon his or her lawful occasions, such person shall be deemed an idle and disorderly person.

XVII. And be it further enacted, That it shall and may be lawful to and for any justice of the peace, or any person thereto authorized by the warrant of any justice of the peace, at any time after one hour after sunset until sunrise, to demand admission, and in case admission shall be refused, or not be obtained within a reasonable time after it was first demanded, to enter by force any house in any county or district so proclaimed as aforesaid, from which he shall suspect the inhabitants, or any of them, to be then absent, and search therein, so as to discover whether the inhabitants or inmates, or any of them, be absent; and if the inhabitants or inmates or any of them be absent between the said hours, any magistrate or peace-officer may cause to be apprehended and committed the person or persons so absent, who shall be brought before the said court of Special Sessions as aforesaid, and shall be deemed idle and disorderly, unless he, she, or they can prove to the satisfaction of the said court, with or without the aid of a jury as aforesaid, that he, she, or they were absent upon his, her, or their lawful and proper occasions: Provided always, that such justice of the peace, authorizing any person or persons to make such search, shall make a true and faithful report of the names of all persons so deputed to make such search, and their quality and descriptions, to the Spe-

cial Sessions within seven days after such search.

XVIII. And be it further enacted, That all persons who shall take or enter into any of the unlawful oaths or engagements herein before mentioned, not being compelled thereto by inevitable necessity, shall be deemed idle and disorderly persons: Provided always, that if any person accused of taking or entering into any such unlawful oath or engagement shall have been tried for such fact before such court of Special Sessions of the peace, in the mode prescribed by this act, he, she, or they, shall not be liable to be tried again or questioned for the same fact or offence before any other jurisdiction whatsoever.

XIX. And be it enacted, That if any justice of the peace or other person authorized by the warrant of any such justice, shall in any such proclaimed district find any arms or ammunition, or any pike, pike-head, spear, dirk, or any other offensive weapon of any kind whatsoever, in the house, or power, or possession of any person whatsoever, concealed or otherwise, after the person or persons inhabiting the said house, or the person or persons who shall have the same so in his or her possession shall have been called upon to deliver up the same, any such person shall be deemed an idle and disorderly person, unless such person shall prove to the satisfaction of such court that such arms, ammunition, or offensive weapons as aforesaid, were in his, her, or their house, power, or possession, without his, her, or their knowledge, privity, or consent.

XX. And be it further enacted, That all persons found assembled in any proclaimed district, in any house licensed or unlicensed, in which Malt Liquors or Spiritous Liquors are sold, not being inmates thereof, or travellers, after the hours of nine at night, and before six in the morning, shall be deemed idle and disorderly persons.

XXI. And be it further enacted, That if in any district so as aforesaid proclaimed, any persons shall unlawfully or tumultuously assemble in the day time, such persons, and every of them, shall be deemed idle and disorderly persons.

XXII. And be it further enacted, That all persons convicted of being such idle and disorderly persons as aforesaid shall be transported for seven years by the order, judgment, and sentence of the said court of Special Sessions of the peace; and such order, judgment, and sentence shall be of the same force and effect, and shall be forthwith carried into execution, in the same manner, in all respects, as if the same had been the lawful order and judgment of a court of Oyer and Terminer and General Jail Delivery.

XXIII. And be it further enacted, That no proceeding of the said court of Special Sessions, or judgment or conviction had or pronounced by the said court, shall be moved into

his Majesty's court of King's bench by any writ of *certiorari*, or otherwise, or shall be examinable, quashed, or reversed; but that the judgments so had or pronounced by the said court, shall be final and conclusive to all intents and purposes whatsoever.

XXIV. And be it further enacted, That it shall and may be lawful for the said court, after adjudging any person to be transported as aforesaid, immediately on such adjudication, to order and cause such person so adjudged to be transmitted out of the county, if such court shall think proper, to any other Jail in Ireland, there to remain until he or they shall be removed and transported pursuant to the said adjudication.

XXV. And be it further enacted, That all Sheriffs and Jailers shall receive and be answerable for all such persons so transmitted, and to them respectively delivered, as if they had been so delivered for transportation by the order of the court of Oyer and Terminer and General Jail Delivery of the county, town, or city, in which the Jail lies.

XXVI. And be it further enacted, That if any person shall hawk or disperse any seditious handbill, paper, or pamphlet, in such proclaimed district, such person, unless he or she shall discover to the satisfaction of such court of Special Sessions of the Peace, the person or persons from whom he or she received, or by whom he or she was employed to sell, hawk, or disperse such paper, shall be deemed an idle and disorderly person within the meaning of this act, but shall not as such be liable to transportation; but shall, by and under the sentence of the said court be committed to the Jail of such county for a term not exceeding twelve Calendar months.

XXVII. And be it further enacted, That it shall and may be lawful for any two justices of the peace, or any person authorized by the warrant of two justices of the peace, in any district so proclaimed, and whilst such Proclamation shall remain in force, to call upon every person within such district, who shall have registered arms under the provision of any act or acts of Parliament heretofore made or hereafter to be made, to produce or account for, or deliver up, all arms, ammunition, or offensive weapon whatsoever, which such person shall have in his, her, or their possession; and to enter any house or place whatsoever, and search for arms and ammunition, and to take and carry away all arms and ammunition, whether so registered or not, which they may think necessary to take possession of, in order to preserve or restore the public peace, and to dispose thereof in a place or places of security: Provided nevertheless, that the justice or other person taking such arms do, upon demand, give to the owner or possessor thereof a receipt, signifying the number and kinds thereof, to the end that when such district shall cease to be disturbed, such arms and ammunition may be restored to the person

from whom the same were taken, if he or she be entitled to receive and keep the same, or may otherwise be disposed of as the law directs: Provided always, that nothing in the foregoing clause contained shall effect any person serving in his Majesty's Regular or Militia Forces, or in any Yeomanry Corps, or any Privy Counsellor, or Member of Parliament, or Peace-officer in respect of any arms that they may have in their custody.

XXVIII. And be it enacted, That the said court of Special Sessions of the peace shall not take cognizance of any offence whatsoever, save only the offence of being idle and disorderly Persons under this Act: Provided always, that nothing herein shall be construed to take away from such court such powers of fining or imprisoning, in a summary way, for contempts or other misconduct, or of removing or punishing any peace-officer or officers of such court, as are incident to a court of Oyer and Terminer and General Jail Delivery.

XXIX. And be it enacted, That any justice of the Peace who shall take any information against any person or persons for any offence of which the cognizance is, by this Act, given to the said court of Special Sessions of the Peace, shall immediately return every such information to the clerk of the peace of the said county, who shall forthwith lay the same before the court.

XXX. And be it further enacted, That it shall and may be lawful to and for all Magistrates of the adjacent counties at large respectively, to execute this act within the several counties of cities, or counties of towns in Ireland, except the county of the city of Dublin; and in like manner that the several magistrates of such counties of cities, and counties of towns, shall have like powers to execute this act in the adjacent counties at large.

XXXI. And be it further enacted, That all the powers and authorities given to, and all duties required from Magistrates of counties at large, under and by this act, shall be and are hereby given to and required of all Magistrates of counties of towns, or counties of cities in Ireland.

XXXII. And be it further enacted, That if any action, suit, plaint, or information shall be commenced against or prosecuted against any person or persons, for what he or they shall do in pursuance and execution of this act, the same shall be commenced within six months after the offence committed, and shall be brought or laid within the county where the act was committed; and such person so sued may plead the general issue of not guilty, and upon issue joined, may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear Prosecution, or suffer a discontinuance, or if a verdict or judgment on demurrer shall pass against him, the defendant shall recover Treble Costs.

XXXIII. And whereas doubts may arise whether any such action, plaint, or information, was so commenced or prosecuted against

the defendant or defendants therein, for what he or they did in pursuance or execution of this act, be it enacted, That in all cases where there shall be a verdict for the defendant, if it shall appear to the judge or court before whom the said cause shall have been tried, that the same was prosecuted for any act done in pursuance or execution of this act, such judge or court shall certify the same on the record, and thereupon such treble costs shall be adjudged as aforesaid; and if the plaintiff or prosecutor shall become nonsuit, or forbear prosecution, or suffer a discontinuance, or if judgment shall pass against him on demurrer, it shall and may be lawful for the defendant or defendants, or any of them, to suggest on the record that such action, suit, plaint, or information was brought against such defendant or defendants for what he or they did in pursuance or execution of this act, which suggestion may be traversed by the plaintiff if he may think proper so to do, and issue being joined thereupon, the same shall be tried at *Nisi Prius*, according to the usual course of such court and issues joined thereon; and if such suggestion shall not be traversed, the issue thereon shall be found for such defendant or defendants, he or they shall thereupon be entitled to treble costs as aforesaid, together with the treble costs of the said suggestion, and of the proceedings thereon; (if any;) and if such issue shall be found for the said plaintiff, he shall be entitled to the costs of the said suggestion, and the proceedings thereon, and the same shall be set off against the costs to be adjudged to the defendant or defendants making such suggestion on the said action; such plaint or information, and the judgment, shall be for the balance of the said costs, if any.

XXXIV. Provided always, and be it further enacted, That where a verdict shall be given for the plaintiff in any action brought against any justice of the peace, peace-officer, or other person, for taking, or imprisoning, or detaining any person, or for seizing arms, or entering houses under colour of any authority given by this act, and it shall appear to the judge or judges before whom the same shall be tried, that there was a probable cause for doing the act complained of in such action, and the judge or court shall certify the same on record, then and in that case the plaintiff shall not be entitled to more than sixpence damages, nor to any costs of suit: Provided, also, that where a verdict shall be given for the plaintiff in any such action, suit, plaint, or information as aforesaid, and the judge or court before whom the cause shall be tried, shall certify on the record that the injury for which such action is brought was wilfully and maliciously committed, the plaintiff shall be entitled to treble costs of suit.

XXXV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant, or other chief governor or governors of Ireland for the time being, by a new Proclamation, to

be made by and with the advice of his Majesty's Privy Council for Ireland, to revoke any Proclamation issued in pursuance of this act, as to the whole or any part of the district thereby proclaimed; which new proclamation shall be forthwith transmitted by the clerk of the Privy Council, to the clerk of the peace of such county, who shall notify the same to the said court of sessions of the peace forthwith, if the said court shall be actually sitting when he shall receive the same, and if not, then at the next sitting of such court, and such court shall thereupon cause the same to be read in open court; and on such new Proclamation being so read, the original Proclamation mentioned therein shall forthwith stand and be revoked, so far as the said new Proclamation shall purport to revoke the same, and if no part of such county shall then remain proclaimed, such Special Sessions shall forthwith cease and determine.

XXXVI. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland, for the time being, to order such sum or sums of money as he or they shall think proper, to be advanced out of the consolidated fund to every such Sergeant at Law, Counsel learned in the Law, or Assistant Barrister, who shall preside or be present in such court of Special Sessions of the Peace as aforesaid, as a compensation for such his time and trouble.

XXXVII. And be it further enacted, That it shall be lawful for the Grand Jury of every such county in which Special Sessions shall be held, at the next ensuing Assizes, and for the Grand Juries at the next Term for the county of the city of Dublin, in case such Special Sessions of the peace shall be held therein respectively, and they are respectively hereby required to present a sum to be raised off the

county, if the whole thereof shall be so proclaimed, and if not, then off such part as shall be so proclaimed, for the purposes following; that is to say, in the first place to repay to the said consolidated fund the said sum or sums so advanced to any such Sergeant at Law, or Counsel learned in the Law, or Assistant Barrister, or person doing his duty as aforesaid; and, in the next place, to pay to the acting clerk of the peace of such county, after the rate of one guinea for each day he shall be employed in attending any such Special Sessions of the Peace which he shall personally attend; and, in the next place, such a sum as may be necessary to pay the expenses of sending prisoners to jail under the provisions of this act, not exceeding the sum of three pence per mile for each Constable and Assistant, which the person or persons who shall sign the warrant of commitment shall certify to have been ordered by him or them to go with such prisoner; and, lastly, all such sums as shall be requisite to defray the expenses necessarily incurred in the execution of this act; and the said sums shall be so raised and paid accordingly; and the amount of the said sum so advanced out of the consolidated fund, shall be paid by the treasurer of such county to the collector of Assize for the district; and no other presentment shall be fiat by the Judge or Court at such Assizes or presenting term respectively, until such presentment shall first have been made by the said Grand Jury thereat.

XXXVIII. Provided always, and be it enacted, That this act shall take effect and be in force from and after the thirty-first day of July, one thousand eight hundred and seven aforesaid; and shall continue in force for two years, and from then until the end of the next Session of Parliament.

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